

MINUTES
TOWN OF JUNO BEACH
TOWN COUNCIL REGULAR MEETING

June 26, 2019
Council Chambers
340 Ocean Drive

PRESENT: JASON HASELKORN, MAYOR
JIM LYONS, VICE MAYOR
FRANK FAHY, VICE MAYOR PRO TEM
PEGGY WHEELER, COUNCILMEMBER
STUART KATZ, COUNCILMEMBER

ALSO PRESENT: JOSEPH LO BELLO, TOWN MANAGER
CAITLIN COPELAND, TOWN CLERK
LEONARD RUBIN, TOWN ATTORNEY
MATTHEW PAZANSKI, FINANCE DIRECTOR
FRANK DAVILA, DIRECTOR OF PLANNING AND ZONING
CURT THOMPSON, PRINCIPAL PLANNER
ANTHONY MERIANO, DIRECTOR OF PUBLIC WORKS
BRIAN SMITH, CHIEF OF POLICE
PAUL FERTIG, MAJOR

ABSENT:

Audience: 36

~ CALL TO ORDER – 5:34 PM
~ PLEDGE OF ALLEGIANCE TO THE FLAG
~ ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA - None

1. **COMMENTS FROM THE PUBLIC**

Public Comments Opened at 5:35pm.

DD Halpern, 410 Apollo Drive, provided an update on shark fishing regulations.

Chris Huffman, 840 Oceanside Drive, stated that he was fortunate to be in a Bike Race called “The Race Across America” and explained. He stated that it was a very moving experience and that they raised \$120,000 for a local charity called Opportunity Early Childhood Education and Family Center which is the oldest charity in Palm Beach County founded in 1939.

Councilmember Katz asked Mr. Huffman how many miles each biker rode.

Mr. Huffman stated that each biker rode approximately 110-120 miles per day.

David Cox, 911 Ocean Drive, stated that Waste Management did settle all their billing issues at The Manor and thanked the Town for all its help.

Public Comments Closed at 5:40pm.

2. **CONSENT AGENDA**

All matters listed under Item 2, Consent Agenda, are considered to be routine by the Town Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Consider approving the May 22, 2019 Town Council Meeting Minutes

MOTION: Lyons/Wheeler made a motion to approve the consent agenda.

ACTION: The motion passed 5-0.

3. **LEGISLATIVE UPDATES**

(State Senator Bobby Powell and Representative Rick Roth)

State Senator Bobby Powell provided a legislative update from this year's session (*see attached*) and asked Council if they had any questions.

Vice Mayor Pro Tem Fahy asked about the seaweed on the beaches and what the primary source for that may be.

Senator Powell explained Blue-Green Algae and the \$50 million that was approved for beach renourishment throughout the state.

Vice Mayor Pro Tem Fahy questioned if the blue-green algae was caused by man-made or natural events.

Senator Powell explained his professional and political opinion on the matter.

Councilmember Katz confirmed that the \$50 million was a state-wide figure and expressed his thoughts regarding a request for local funding for public beach accesses.

Senator Powell stated that he can work with the Town to strategize on getting those funds in the budget and encouraged Council to go to Tallahassee and continue to fight for Juno Beach.

Councilmember Wheeler thanked Senator Powell for coming and asked if the \$50 million was the standard for every year.

Senator Powell stated that he thinks it's the standard and explained.

Councilmember Wheeler confirmed that there were no vetoed items and questioned some recently passed bills.

Vice Mayor Lyons asked Senator Powell about working with Governor DeSantis.

Senator Powell stated that the Governor had exceeded expectations and explained.

Mayor Haselkorn thanked Senator Powell for coming and to follow up with staff on any outstanding items.

State Representative Rick Roth provided a legislative update (*see attached*) and asked Council if they had any questions.

Councilmember Wheeler asked if they could make hard copies of Representative Roth's hand out and put it out in the lobby.

Vice Mayor Pro Tem Fahy questioned the status of required PIP (Personal Injury Protection) coverage.

Representative Roth explained his opinion on PIP.

4. **NO OUTLET SIGN (ATLANTIC BLVD)**
(*Per the request of Vice Mayor Lyons*)

Vice Mayor Lyons stated that at last month's Council meeting, residents of Ocean Ridge had asked Council to install a "no outlet" sign on Atlantic Boulevard on a permanent basis. He stated that the consensus of the Council was to install a "no outlet" sign for four special events. He stated that after the Council meeting, he was approached by Mr. Bruce Franson, a resident of Ocean Ridge, who asked him to meet with several residents there and walk the community. He stated that Atlantic Boulevard is a very short street that connects directly to a private road. He stated that the private road is owned and maintained by the Ocean Ridge community. Atlantic Boulevard has one single family home on it which is owned by Councilmember Wheeler. He stated that the "no outlet" sign on Atlantic Boulevard is currently there. He asked Council for a consensus to leave the sign there on a permanent basis. He asked Mr. Franson if he wanted to say some words on the impact it has had on the community so far.

Bruce Franson, 467 Ocean Ridge, stated that he is a director on the HOA board and was speaking on behalf of the community, including the owner on the single-family home. He stated that they are appreciative of the temporary sign and he thinks it has helped. He thanked Councilmember Katz for also walking the community with them. He explained the street and neighborhood. He stated that they are requesting for the Council to keep the sign up permanently.

Councilmember Wheeler recused herself from this item but thanked Council for bringing this up and taking another look at the street.

Council reviewed and discussed this item.

MOTION: Lyons/Katz made a motion to install a permanent “no outlet” sign on Atlantic Boulevard.

ACTION: The motion passed 4-0.

Mayor Haselkorn opened Public Comments at 7:05pm for a resident who had a comment but came in a few minutes late and did not want to interrupt our Senator or Representative.

Linda Rose, 421 S. Lyra, passed out a lost cat sign (*see attached*). She stated that she is here to ask for special permission to put out cat signs in certain locations due unusual circumstances. She suspects, but is not accusing, one of her neighbors and explained. She asked Council for one week to put up lost cat signs in the exact locations that her pet detective mapped out so she can get some calls.

Mayor Haselkorn stated that these are public comments and Council does not necessary respond.

Ms. Rose stated that because of these unusual circumstances, she is begging to put the signs in the marked places.

Town Manager Lo Bello stated that Council cannot waive the rules; rather, they would have to change the Code. He stated that he can explain the process to Ms. Rose.

Ms. Rose stated that when someone loses a pet, they have to put up signs and explained. She stated that if it is a law, then they should change the law.

Councilmember Katz expressed sorrow for her loss independent of the issue of the signs and suggested that she work with staff.

Town Manager Lo Bello stated that he will explain it to her.

Public Comments Closed at 7:11pm.

5. **SPECIAL EVENT – WEDDING CEREMONY ON BEACH**
(Principal Planner Thompson)

Principal Planner Thompson went over the memorandum and stated that the applicant, Mr. Mondelus, is here to make his presentation.

Judeson Mondelus, applicant for Wedding Ceremony on Beach, thanked Mr. Thompson and Representative Roth and stated that his dream is to get married on the beach. He

explained the timing for setup and break down. He also stated that he will get more guests to carpool. He asked Council to help make his dream come true.

Councilmember Wheeler asked if any residents on Mercury Road had ever voiced concerns on having weddings there.

Director of Planning and Zoning Davila stated that they have had multiple events there, and as far as he knows, they never had any issues holding events at that location.

Councilmember Katz questioned if parking was going to be an issue.

Director of Planning and Zoning Davila stated that parking on Mercury Road is on a first come, first served basis and that there was parking available at Town Hall.

Mayor Haselkorn confirmed that the wedding will be taking place on a Tuesday.

Mr. Thompson went over the available parking areas.

Vice Mayor Lyons expressed his concern on the parking and stated that the wedding may be disruptive to residents and businesses on Mercury Road. He stated that weddings should be considered at Loggerhead Park or Juno Beach Park. He stated that Mercury Road is not conducive to such an event.

Mr. Mondelus stated that his guests will start coming at 5:30pm and they are going to carpool.

Council reviewed and discussed this item.

***MOTION:** Katz/Wheeler made a motion to approve the applicant's request.*

Councilmember Katz recommended that they assign this topic to their next workshop.

Mayor Haselkorn stated that the reference on the fee schedule provides that it would be a low impact event and asked if that is based on the number of attendees.

Town Manager Lo Bello stated that it is based on the number of participants or guests.

Mayor Haselkorn confirmed that staff considers it a low impact event.

Town Manager Lo Bello explained the policy.

Council gave consensus to discuss the special event process at the next goal workshop.

Councilmember Wheeler recommended that the applicant get some kind of transport so that there are not a lot of cars being parked.

Mayor Haselkorn stated that he would vote in favor is they get representation from that applicant that they will make arrangements with the church to use the parking lot and shuttle folks over to the event. He asked Mr. Mondelus if they have his representation on that.

Mr. Mondelus stated yes.

Town Manager Lo Bello stated that staff can assist him with this process.

ACTION: The motion passed 4-1 with Vice Mayor Lyons opposed.

6. **FIRST READING ON ORDINANCE NO. 711: MAXIMUM BUILDING HEIGHT WITHIN RM-00, RM-2 & RMT ZONING DISTRICTS**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING CHAPTER 34, "ZONING," OF THE TOWN CODE OF ORDINANCES; AMENDING ARTICLE I, "IN GENERAL," BY AMENDING SECTION 34-4, "DEFINITIONS," TO ADD A DEFINITION OF THE TERM STORAGE; AMENDING ARTICLE III, "DISTRICT REGULATIONS," BY AMENDING SECTION 34-314, "BUILDING SITE AREA REGULATIONS," OF DIVISION 4, "RESIDENTIAL MULTIPLE-FAMILY – MODERATE DENSITY (RM-2) ZONING DISTRICT, SECTION 34-337, "BUILDING SITE AREA REGULATIONS," OF DIVISION 5, "RESIDENTIAL, TRANSIENT AND MULTIPLE-FAMILY – MODERATE DENSITY (RMT) ZONING DISTRICT AND SECTION 34-400, "BUILDING SITE AREA REGULATIONS," OF DIVISION 7, "RESIDENTIAL MULTIPLE-FAMILY – MODERATE DENSITY OPEN SPACE OPTION (RM-00) ZONING DISTRICT" RELATING TO ADDITIONAL BUILDING HEIGHT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

(Director of Planning & Zoning Davila)

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance title.

B. Staff Presentation

Director of Planning & Zoning Davila went over the memorandum and asked Council if they had any questions.

Vice Mayor Pro Tem Fahy asked if the original ordinance was written about 10 years ago.

Director of Planning & Zoning Davila stated it was more than 10 years ago.

Vice Mayor Pro Tem Fahy stated that the Town has adopted the idea that storage is equivalent to parking and clarified the interpretation by staff.

Director of Planning & Zoning Davila stated that he was correct. For the past 8 years, staff has included storage and parking together and are looking to codify that interpretation.

Vice Mayor Pro Tem Fahy stated that he is for straight parking.

Councilmember Wheeler stated that the language in the Ordinance is what the intent was and questioned the asterisk in the Ordinance. She stated that the purpose of this Code was to have parking and this revision is very negative.

Town Attorney Rubin stated that the table sets forth the requirements for parking based on the lot area and that the asterisk is clarifying that the total has to be 75% and explained.

Councilmember Wheeler questioned the percentages and acknowledged that she was the one who suggested these percentages. She also questioned the combination of parking and storage.

Town Attorney Rubin stated that they can take out the asterisk and just leave the table.

Councilmember Wheeler questioned the language “a combination of parking and storage is provided under a minimum of 75%” and stated that it doesn’t designate how much is to be parking of the 75%. She asked if a minimum of 30% of the 75% has to be parking.

Town Attorney Rubin stated correct.

Mayor Haselkorn asked, opposed to using the asterisk, for clarity purposes couldn’t they put in “30% of the 75%” to avoid confusion.

Director of Planning & Zoning Davila stated yes they can do that.

Town Manager Lo Bello asked if they could put on the record why they are doing this and if the eight homes that include both parking and storage would meet these provisions.

Director of Planning & Zoning Davila stated that right now, they have eight residences that staff has determined to be nonconforming due to the 75% parking requirement for additional height in the RMT Zoning District. He stated that if they codify this today, then all of those 8 properties will be conforming as opposed to nonconforming due to them not having 75% of parking. He explained the table in the proposed ordinance.

Councilmember Katz stated that the Town has determined that under the current code, seven or eight homes are nonconforming.

Director of Planning & Zoning Davila stated that eight of them are nonconforming.

Town Attorney Rubin stated that they could potentially be nonconforming if the current requirement is taken literally, as opposed to how it has been applied, and explained. He stated that in the Petition for Writ of Certiorari petition that was filed, the Petitioners are claiming that parking should only be parking and if the Court agrees, then all eight of them would be nonconforming.

Councilmember Katz questioned the “whereas clause” in lines 31-35. He expressed his concerns on making a rush to make all the properties conforming based on the interpretation. He expressed his thoughts and opinions. He stated that he thinks the code needs to be changed not clarified. He asked if “fooling with” the code now will have an impact on the appeal. He asked if they had been asked to respond and if they have responded.

Town Attorney Rubin stated that the Town and the applicant were asked to respond but have not responded yet.

Councilmember Katz confirmed that Council has had no shade meetings on this. He asked Council to discuss how they feel about this.

Town Attorney Rubin stated the whole purpose of the appeal is to defend what the Council collectively approved and explained.

Councilmember Katz asked if they are preparing their defense independently.

Town Attorney Rubin stated that the property owner has more at stake than the Town so they are actually taking the lead in the response.

Councilmember Katz stated that he thinks that is a conflict, personally. He stated that their first mission as a Council is to defend the code. He stated that he respectfully disagreed with his peers and he thinks it is an error for them to respond to the lawsuit in conjunction with the developer. He stated that he doesn't see that changing the code right now is the right thing to do.

Town Attorney Rubin explained that staff is trying to eliminate the nonconformities to codify what they have done to be fair to everybody and stated that it is a policy decision.

Director of Planning & Zoning Davila stated that he does have one house on Ocean Ridge that is ready to submit an application for a new single family

house and also the last remaining house in Ocean Side has already reached out to staff to start the process as well and need to know the clarification before they move forward.

Mayor Haselkorn expressed his point of view and stated that from his recollection on the project there was originally a unanimous vote by the entire Planning and Zoning Board when it was first presented and explained. He explained that it is the Council's job to uphold the policy.

Councilmember Katz respectfully disagreed on the grounds that he feels that the Town should become a learning organization and explained. He stated that he thinks the code is clear and explained.

Mayor Haselkorn stated that from the folks that he has spoken to, they appreciate from the common sense aspect that people use their garage for not just parking but storage as well.

Councilmember Katz stated that he understands that.

Mayor Haselkorn stated that he thinks it does come from the interpretation and how it is applied.

Town Attorney Rubin stated that if they do not clarify it now, what do they do with the last remaining lots in Ocean Side and on Ocean Ridge. He stated that that is why they want to clarify and explained.

Town Manager Lo Bello asked if Town Attorney Rubin wants to comment about the potential prejudice on the pending appeal.

Town Attorney Rubin stated that it does not really prejudice anything and explained.

Town Manager Lo Bello stated that specifically it would not help or hurt either side.

Town Attorney Rubin stated that the appeal process could take a year.

Town Manager Lo Bello stated that you cannot insert this Ordinance as evidence.

Town Attorney Rubin stated that it could be introduced in the pending proceeding and explained that it could impact one of the issues. However, it does not change anything because even if the Court quashes the initial approval, the new Code would apply to any subsequent submittals.

The Ordinance clarifies to the extent that it codifies how the Code has been applied by both staff and the Town Council.

Councilmember Wheeler disagreed and stated that it does make a difference in a lawsuit or in this particular Writ.

Town Attorney Rubin stated that it is not a lawsuit per se, it is an appeal.

Councilmember Wheeler stated that they should be looking at the second development they brought in and it was three Council members that actually voted to approve it. She stated that being one of the first houses built under this rule, she stated that it was not an interpretation that you had to have 75% parking and 25% storage. She stated that she was held to that.

Director of Planning & Zoning Davila clarified that the 75% applies to the parking and the other 25% can actually be anything, it doesn't have to be storage.

Councilmember Wheeler stated that Damian Peduto approved hers and she had to abide by that. She also stated that she never agreed with the parking percentages and explained. She stated that she continuously disagrees with the text code change because of the implications and the ramifications to others that have built in the RMT zone. She stated that this does have a direct impact on the appeal and explained. She stated to hold off because she, for one, is not worried about it and doesn't know if any of the other homeowners are worried about it. She stated that they need to understand their perspective and she thinks Council needs to start working more for the citizens and with this appeal.

Town Attorney Rubin explained the calculations for 461 Venus and stated that if they use that same methodology for all the other houses that were built in the RMT, none of them meet the standard including Councilmember Wheeler's. He stated that what Councilmember Wheeler and Councilmember Katz are saying is that they have to have 75% parking, no storage.

Councilmember Wheeler stated when she first started it was 75% and 25% and that's the way they interpreted it but she would rather see the interpretation of this stay the same, clear cut its 75% parking.

Town Attorney Rubin stated that he wants Council to understand that, when Director of Planning & Zoning Davila contacts these applicants, he will have to tell them that they must be 75% parking if that's what the majority of Council feels. He stated that 461 was approved under the interpretation that it could include storage. He stated that he thinks the Town is prejudicing itself now by being all over the place and that the ordinance clarifies the rules going forward. He stated that he believes the Town should let the people with

undeveloped lots, develop with the same standards that everyone else did. He stated that Councilmember Wheeler's position is muddying the waters.

Mayor Haselkorn stated that he takes issue with the fact that Councilmember Wheeler made a reference as a Council to be working with the citizens, because it appears to him that among the eight lots this applied to, one of them is Councilmember Wheeler's home and that she has two of the eight lots. He stated that he doesn't think that is working for the citizens; rather, he thinks that it is something she has benefited from that interpretation. He stated now she doesn't think other people should benefit from that interpretation. He stated that from his perspective, he is looking at this from a policy standpoint and as it would apply to everybody and all of the citizens and not just those eight homeowners and that's where he takes offense. He stated that he is trying to look at it from a policy perspective and explained.

Councilmember Wheeler stated that looking at it from that perspective, they can continue to operate the way they have and let the "soft interpretation" of this continue through. She stated that they can change the code at a later time but don't do it now as it doesn't look good for this Town with this pending appeal.

Town Attorney Rubin stated that what doesn't look good is treating one property different from all the other properties in the same zoning district. He stated that that's how he views it.

Councilmember Wheeler asked what the one property was.

Town Attorney Rubin stated 461 Venus Drive. He stated that if the purpose of not adopting an amendment is so that if 461 Venus comes back, they are going to require 75% parking, then that rule should also apply for the two properties that Director of Planning & Zoning Davila had mentioned, the last lot on Ocean Side and the house on Ocean Ridge. He stated that the result is that they are going to treat those two lots differently than all the other ones.

Councilmember Wheeler asked how they are going to treat them differently if they are going to continue in the same fashion.

Town Attorney Rubin stated by applying the "soft interpretation." He stated that Councilmember Katz stated the code is the code is the code, parking is parking is parking. He indicated that if that is what staff is hearing from Councilmember Wheeler and a majority of the Council doesn't want to change the Code, well then parking will be parking from this point forward.

Councilmember Wheeler addressed the Council and stated that what she thinks they are looking for is to try to blend all of everything that is going on here. She stated that to change the code, if that's what Council decides to do is

fine but just don't do it at this time. She stated that there is no rush to do this. She stated that they can continue to give the interpretation that staff has. She stated that she did abide by the 75% no matter what anyone thinks as she was the first to use that code. She stated that she thinks they should work with the citizens and if they are going to say to us that we need to wait on this and see what happens with this Writ.

Town Attorney Rubin stated that they cannot wait and then give this soft interpretation.

Councilmember Wheeler stated they have been doing that.

Town Attorney Rubin stated that he and Council did know of this interpretation until 461 Venus Drive came forward, so now it is out there as it has been discussed then they can't go back to a soft interpretation. He stated that Council can change it to incorporate what staff has been doing or they enforce it as parking.

Councilmember Wheeler stated that citizens are going to believe that you are doing this for 461 Venus Drive if they change this right now.

Town Attorney Rubin stated that they are doing it for everybody in Ocean Side.

Councilmember Wheeler stated that they need to ask everyone if they care. She asked why they have to do this particular ordinance at this particular time.

Town Attorney Rubin stated because they have other permit applications pending.

Director of Planning & Zoning Davila stated that he has two homeowners that are waiting to see how what direction Council takes.

Councilmember Katz stated that he thinks this is going to be a very important code change for the future and explained. He stated that he wants to see what the judge has to say on it.

Vice Mayor Lyons stated that he feels they have been going in the right direction with this ordinance. He stated that the reason why it is as it is now, it's very subjective with staff and it has been. He stated that this is what got us in trouble with 461 Venus Drive with no clarity there and explained. He stated that to him the proposed Code simplifies the issue – before it was subjective and they are trying to eliminate that. He stated that Councilmember Wheeler was the one who brought it up.

Councilmember Wheeler stated she brought up the percentages.

Vice Mayor Lyons stated that the whole change for the code was initiated by Councilmember Wheeler because it wasn't clear.

Councilmember Wheeler stated no she didn't bring that up, what she did was when they decided to make automobile parking spaces, there was only 394 square feet of parking and that was not right. She stated that what she did was if she was going to lose the vote to Council then she had to be able to negotiate something that was better than what was proposed by Planning and Zoning because she did not feel it was a good proposal. She stated that she never wanted to change this code because she doesn't believe that they are doing it for the right reasons.

Mayor Haselkorn stated he believes clarity is good for the residents and its good for business and it is the good from a broader perspective and that's why it should be in the code and that should be the policy.

Councilmember Katz questioned the definition of floor area in Ordinance No. 711, page 3. He stated that they are interested in the floor area footprint and not floor area total.

Director of Planning and Zoning Davila stated that it is not the combination of all floors and explained.

Councilmember Katz stated that he does not think there is clarity there in the new definition and stated that it should be cleaned up a bit.

Town Manager Lo Bello asked Director of Planning & Zoning Davila if he thinks it is clear.

Director of Planning & Zoning Davila stated yes he does with a planning background.

Councilmember Katz stated that they do not have a definition for floor area but they do have a definition for floor area total and floor area is simply the single floor.

Director of Planning & Zoning Davila defined the term floor area.

Councilmember Katz stated that they are interested in footprint.

Councilmember Wheeler expressed her concern on the percentages. She stated that she asked at the last meeting how they came up with those figures and that she is still not sure that it is the right way to do this.

Town Attorney Rubin stated that going back to 461 Venus Drive, if they calculated it without taking into account the open space included within

columns, the applicant met the 75% parking. He stated that based on the Town's calculation, no one meets it, including 461 Venus Drive and every house in Ocean Side.

C. Public Hearing

Public Hearing opened at 8:08pm.

Chris Huffman, 840 Oceanside Drive, stated that he first wants to talk about the formula to get some clarification and gave a mathematical example of floor area. He stated that then if they look at the 50% rule that means parking would have to be 500 square feet, not 50% of the 75%. He stated that it is 50% of the floor area.

Town Attorney Rubin disagreed.

Director of Planning & Zoning Davila stated that the combination of parking and storage shall be the total of the 75% so if 50% is parking then the other 25% has to be storage and then the other remaining 25% can be habitable space.

Mr. Huffman stated that it can be habitable space, even a bedroom.

Town Attorney Rubin stated what is outside the 75% can be anything,

Mr. Huffman stated that he would like to note for the record that the Town Attorney didn't even understand that when he explained it. He stated that it is not a difference of opinion, it is math. He asked Town Attorney Rubin to admit that he was wrong.

Town Attorney Rubin stated that he is not subject to questioning, but the issues is how things are worded, not math.

Mayor Haselkorn granted Mr. Huffman an additional 2 minutes to speak.

Mr. Huffman expressed his concerns and stated that this code does not need to be changed at this time and they have no concern if their house is not in compliance. He stated that if it is not in compliance then it is through nothing of what the Huffmans have done in the permit or building process.

Debbie Huffman, 840 Oceanside Drive, expressed her concern on where Council's concern was when the first Writ was presented to them. She stated that she disagrees with Town Attorney Rubin's statement that it doesn't matter that Council change the code in the middle. She stated that she is the president of Oceanside HOA and they all hold the same opinion that if they are nonconforming, it is not a concern for them right this moment. She stated

that they do not have to change the code right this second. She stated that this has been about staff's interpretation and thinks the Council's motives are suspicious.

David Cox, 911 Ocean Drive, stated that his comments do not address any particular property that has been mentioned. He expressed his thoughts and stated that there should be a mathematical formula that anyone can quickly calculate. He stated that he does believe that parking is parking and that they don't see much green space, they see more paved areas and the garage is used for storage.

Dean Anthon, 481 Surfside Lane, expressed his thoughts and stated that as a resident he is more concerned with the process and that he is one of the petitioners with the Writ. He stated that he looks at this as a process issue and what the Town had stated on record regarding nonconformities is disingenuous. He stated that this whole discussion was because 461 Venus Drive was approved against code and now they are trying to figure out how to solve that. He stated that he thinks that it shines a light on potential motives. He expressed his concerns and discouragement with Council.

Public Hearing Closed at 8:22pm.

D. Council's Discussion

Vice Mayor Pro Tem Fahy asked Town Attorney Rubin if something has been interpreted for over ten years, how it stands up against what the code actually says which is just parking.

Town Attorney Rubin stated that there are all sorts of competing legal theories out there and explained. He stated that the way they approached 461 Venus Drive, as set forth in the resolution, was based on the historical interpretation, Council interpreted parking to include storage. He stated that from his perspective, he is trying to do what is fair and there are no ulterior motives. Everyone should get the benefit of the same interpretation. It should not be the rule for some and not for others.

Vice Mayor Pro Tem Fahy confirmed that they don't know how it would turn out in Court.

E. Council's Action

***MOTION:** Katz/Wheeler made a motion to table this discussion indefinitely.*

***ACTION:** The motion passed 3-2 with Mayor Haselkorn and Vice Mayor Lyons opposed.*

7. **SECOND READING ON ORDINANCE NO. 712: ADJOURNMENT OF MEETINGS**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING ARTICLE II, "TOWN COUNCIL," OF CHAPTER 2, "ADMINISTRATION" OF THE TOWN CODE OF ORDINANCES BY ENACTING A NEW SECTION 2-21, "ADJOURNMENT OF MEETINGS;" PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

(Town Attorney Rubin)

A. Town Attorney to Read Ordinance Title

Town Attorney Rubin read the Ordinance title.

B. Staff Presentation

Town Attorney Rubin went over the memorandum and asked Council if they had any questions.

C. Public Hearing

Public Hearing Opened at 8:29pm.

Public Hearing Closed at 8:29pm.

D. Council's Discussion

There was no discussion on the second and final reading.

E. Council's Action

MOTION: *Wheeler/Lyons made a motion to approve Ordinance No. 712 on second reading and final reading.*

ACTION: *The motion passed 5-0.*

8. **AUDITOR SELECTION**

(Town Attorney Rubin)

Town Attorney Rubin went over the memorandum and asked Council if they had any questions.

Vice Mayor Pro Tem Fahy expressed his concerns on having the same company for a long time.

Councilmember Wheeler asked Town Manager Lo Bello for his advice as he is a member of the auditor selection committee for Lake Park.

Town Manager Lo Bello stated that he just concluded his services there and stated that they were a three-person committee and the chair has to be the elected official. He stated that in his opinion, he thinks they should have people who know what they are doing and are in that line of business.

Councilmember Katz asked if Councilmembers are employees of the Town.

Town Attorney Rubin stated no, as they are elected officials.

Councilmember Wheeler nominated Jane Struder Leclainche.

Town Attorney Rubin stated that there is an exemption for appointment of a domestic partner to boards other than those for Planning & Zoning.

Councilmember Katz nominated Madeline Morris.

Mayor Haselkorn volunteered to be the Chairperson of the Auditor Selection Committee.

Councilmember Wheeler nominated Allen Owens, the Finance Director of Palm Beach Gardens.

Vice Mayor Lyons nominated Mike Villella, the Finance Director for the Town of Jupiter.

MOTION: *Katz/Lyons made a motion to offer the position of appointment to the auditor committee to the five individuals just specified with input from Town Staff.*

ACTION: *The motion passed 5-0.*

Finance Director Pazanski asked Town Attorney Rubin to explain the committee's duties as they are to put together an RFP document.

Town Attorney Rubin stated that they start with other RFPs and figure out which ones they like and which ones they don't. He stated the major decision is if they are going to include cost and explained.

Councilmember Wheeler asked about compensation and if it was the Auditor Selection Committee's decision.

Town Attorney Rubin stated yes, the Committee makes the decision.

9. **CHARTER REVIEW COMMITTEE**
(Town Clerk Copeland)

Town Clerk Copeland went over the memorandum and asked Council for their appointments for the Charter Review Committee.

Vice Mayor Pro Tem Fahy nominated David Cox.

Councilmember Wheeler nominated Nancy Wolfe.

Councilmember Katz questioned the process of amending the Charter.

Town Attorney Rubin explained the process.

Councilmember Katz nominated Collins Whitfield.

Vice Mayor Lyons nominated Al Rhodes.

Mayor Haselkorn nominated Sydney Vickers.

MOTION: *Lyons/Wheeler made a motion to approve all five nominated members to the charter review committee.*

ACTION: *The motion passed 5-0.*

10. BUDGET PLANNING SESSION FY 2019-2020

(Finance Director Pazanski)

Finance Director Pazanski went over the memorandum and backup material and asked Council if they were good with the dates.

Council discussed and confirmed the calendar dates.

Finance Director Pazanski went over the backup material and asked Council if they had any questions.

Councilmember Katz asked Finance Director Pazanski where they are in contingency now.

Finance Director Pazanski stated that they have spent a very minimal amount.

Councilmember Katz asked if they had a rolling contingency fund.

Finance Director Pazanski stated that anything that is not spent from contingency is basically a part of the unassigned fund balance or a part of the subsequent year's budget.

Town Manager Lo Bello stated that it comes out of reserves and explained.

Vice Mayor Pro Tem Fahy stated that if they eliminated reserves the residents would have to pay no taxes next year.

Councilmember Wheeler asked about the matching expenses for the Palm Beach School Protection Mandate.

Town Manager Lo Bello explained that it is overtime.

Councilmember Wheeler questioned the recent legislation on impact fees.

Finance Director Pazanski stated that for the impact fees, there was a two-part test to the spending of impact fees as far as he knows. He stated that the reserves that they have are not going anywhere but they can still collect them.

Councilmember Wheeler stated that they are doing a good job.

Finance Director Pazanski stated that it is a staff effort.

Town Manager Lo Bello stated that that if nothing comes up that is extraordinary or external factors that they did not consider, he sees them recommending no tax increase again and going with the rollback rate. He asked Council if they are okay with that.

Council gave consensus that they were ok with that recommendation.

Councilmember Katz stated that he is concerned about sand and that they need to anticipate that they are going to be asked for money and to look into the franchise fee as a possible source.

Town Manager Lo Bello stated that they have options.

Councilmember Katz stated that he thinks they need to fatten the reserve.

Councilmember Wheeler expressed her concerns on lending increases and market downturns as they will affect us.

Town Manager Lo Bello stated that one of the purposes for having a healthy reserve is to get us through a recession.

Councilmember Katz confirmed that they cut the millage rate last year but didn't cut it to rollback.

Vice Mayor Pro Tem Fahy asked if they allocate any of the reserves for potential beach renourishment.

Town Manager Lo Bello stated that they do not have a line item or dedicated reserve funds, but the Town has healthy reserves.

Finance Director Pazanski stated that they have options.

Mayor Haselkorn explained that they had discussed it at the last workshop and had left it in the general reserve.

11. **ONE-CENT SURTAX – FY 2020 PROJECT LISTS**

(Finance Director Pazanski)

Finance Director Pazanski went over the memorandum and asked Council if they had any questions.

Vice Mayor Pro Tem Fahy asked if the list was for the benefit of the Citizens Oversight Committee.

Finance Director Pazanski stated yes.

Vice Mayor Pro Tem Fahy stated that he thought they would be using this money for things they normally would not be able to use it for and explained.

Town Manager Lo Bello stated that they look at priorities and explained. He gave the dune walkovers as an example.

Finance Director Pazanski stated that this is our master list and explained.

Mayor Haselkorn stated that he would like to see the Pelican Lake Community Events Area be moved up to priority one and explained.

Council gave consensus to add Pelican Lake Community Events Area as a priority “1”.

Councilmember Wheeler asked if the Universe Boulevard Stormwater was critical.

Town Manager Lo Bello stated that it is and they are trying to seek every grant opportunity before they want to commit to that one.

Councilmember Wheeler expressed her concern on the grant funding declining and if they had the list of grants that they had applied for.

Town Manager Lo Bello stated that the list is coming out in the next couple of weeks.

Councilmember Wheeler stated that there are a lot of grant opportunities out there.

Town Manager Lo Bello disagreed and stated that the grants went to a different use and explained.

Councilmember Wheeler stated that she was talking to a lady from the Palm Beach Gardens Parks and Recreation Department who gave her a whole list of grants that they could be applying for.

Town Manager Lo Bello stated to let us know.

Councilmember Wheeler stated that she agrees that she would like to see them move a few things up. The dune walkovers are important especially if it is a safety matter.

Town Manager Lo Bello stated that they are constantly looking for grants. He stated that the Town does not qualify for a lot of grants because of our economic status.

Councilmember Wheeler questioned water service for Pelican Lake.

Town Manager Lo Bello stated that the problem is the water improvement fees that they will have to pay for that site and gave an example. He stated that Council can change their minds on items as staff knows what the Oversight Committee will and will not approve and explained.

Councilmember Wheeler questioned the building department counter and lobby.

Finance Director Pazanski explained that last year they were combined.

Town Manager Lo Bello stated that it is the Council's preference.

***MOTION:** Lyons/Fahy made a motion to approve the proposed One-Cent Surtax Project Lists funded through the one-cent discretionary sales surtax for Fiscal Year 2020 and submit to the Palm Beach County League of Cities Infrastructure Surtax Citizen Oversight Committee with the addition of having the Pelican Lake Community Events Area as a priority "1".*

***ACTION:** The motion passed 5-0.*

12. ISSUES FORUM REPRESENTATIVE
(Director of Planning & Zoning Davila)

Director of Planning & Zoning Davila went over the memorandum and asked Council if they had any questions.

Mayor Haselkorn volunteered to be the Issues Forum Representative.

***MOTION:** Wheeler/Lyons made a motion to nominate Town Manager Joseph Lo Bello as the primary member and Mayor Haselkorn as the alternate member to participate in the Issues Forum.*

***ACTION:** The motion passed 5-0.*

13. COMMENTS FROM TOWN MANAGER

Town Manager Lo Bello stated that the Planning and Zoning Board Meeting is July 1st; Coffee with a Cop is Wednesday, July 3rd; Mayor is throwing out the first pitch at Roger Dean Stadium on July 3rd; and the Juno Beach Civic Association will be having their July 4th Parade and Breakfast event; next Council meeting July 24th. He also stated that he sent an email out to Council (*see attached*) about the Police Chief Position and asked Council for a motion to approve an increase in his range. He stated that per Town Policy, he can move any employee within the approved range but cannot change or modify the range. He stated that he is recommending an 8% adjustment to the Police Chief's range and a salary adjustment of the same 8% and the reason why is because he found out that the 8% is out of his range and explained. He recommended increasing the range to \$88,063 to \$147,971.

Vice Mayor Pro Tem Fahy confirmed that they looked at comparable salaries.

Councilmember Katz recommended that when a decision involves key employees with some pending labor issues, the Manager should notify Council and asked Council for consensus.

Town Manager Lo Bello disagreed and stated that they could ask him individually.

Councilmember Katz stated that they cannot ask what they do not know.

Town Manager Lo Bello stated that is true but they are getting beyond policy and into managing the Town and he does not recommend that. He explained the Charter.

Councilmember Katz stated that their responsibility is to do what is in the best interests of Juno Beach and that is what he looks at as his mandate. He stated that if there is a labor issue with a key employee, he thinks they at least need to know what is going on.

Town Manager Lo Bello stated that he would not call it a labor issue. He stated that it was negotiations and he was trying to determine a happy median in the market.

Councilmember Katz stated he understands.

Mayor Haselkorn stated that it would be within the province of the Council to set that range, set our budget, set from a financial standpoint and then within that range the Town Manager would have the latitude to negotiate as he sees fit if and when an issue arises.

Town Manager Lo Bello stated that is what is required by the Town's personnel policies and procedures. He stated that his personal policy is when he makes a change, that is outside the budget that was approved, he sends out a courtesy email for total transparency and explained.

Vice Mayor Pro Tem Fahy explained Councilmember Katz's point of view and how he thinks it is important to know before they have to move on it.

Town Manager Lo Bello stated that anything he sees that is a trend, he will let them know but on an individual level, it is his responsibility.

Councilmember Katz agreed but stated that he just wants to be kept in the loop.

***MOTION:** Lyons/Wheeler made a motion to approve the 8% range from \$88,063-\$147,971 for the Police Chief position.*

***ACTION:** The motion passed 5-0.*

Councilmember Wheeler stated that the Chief deserves the increase in salary and they have such a great police department. She stated that she is very happy that this happened but that it would have been nice for Town Manager Lo Bello to tell them what is going on.

14. **COMMENTS FROM TOWN ATTORNEY** - None

15. **COMMENTS FROM STAFF** – None

16. **COMMENTS FROM COUNCIL**

Councilmember Wheeler asked Council for their opinions on the 55+ living facility idea that Troy Holloway from 2GHO had presented to them.

Vice Mayor Lyons stated that Mr. Holloway didn't have a definition on 55+ and if it was condominiums or rental apartments.

Mayor Haselkorn stated that on the pro side, he views it as less impactful from a traffic standpoint and explained. He stated but with no other information or detail he is unable to give much feedback on the matter.

Councilmember Wheeler expressed her concerns on density and traffic.

Councilmember Katz asked if he missed this meeting.

Town Manager Lo Bello stated no, it was an email that was sent out and explained it.

Councilmember Wheeler praised Officer Nunez and Officer Coppin for their investigative work on an illegal diesel fuel case.

Councilmember Katz provided an update from the Palm Beach County League of Cities District Luncheon this past month. He stated that Vice Mayor Lyons is the primary member but that he had expressed an interest in going and stated that Vice Mayor Lyons

had concerns regarding the Sunshine Law. He asked if it was a Sunshine violation if two members of the same Council were to attend the same meeting.

Town Attorney Rubin stated that there is potential for a violation and explained.

Councilmember Katz stated that they would do better by allowing anyone who is interested in participating.

Mayor Haselkorn gave an example of his overlap with the Water Task Force Committee and the Environmental Subcommittee. He stated that he thinks it is probably just agenda item issues and explained.

Town Manager Lo Bello stated he has been doing this for 35 years and there is a problem. He stated that there is always a problem when two people go to meetings and explained.

Vice Mayor Pro Tem Fahy complimented the Town Hall Park and asked about the bricks.

Town Manager Lo Bello provided an update on the brick orders and pavers.

Council gave consensus to put the pavers on the August agenda.

Mayor Haselkorn congratulated Matty's Gelato. He stated that apparently based on Yelp reviews, it is best ice cream establishment in the entire state.

Town Manager Lo Bello asked Council if they would like to discuss their meeting with FDOT and Kimley-Horn or send a letter in support of the hybrid method.

Council briefly discussed this item and gave consensus to send a thank you letter and show their support of the hybrid construction method.

17. **ADJOURNMENT**

Mayor Haselkorn adjourned the meeting at 10:19 PM.

Minutes Approved on July 24, 2019.